

Extra Info

1/26/09 #7

Maryjane Kenney

From: LEO BERTOLAMI [autoplex3@hotmail.com]
Sent: Monday, January 26, 2009 2:04 PM
To: Maryjane Kenney
Subject: FW: 60 Powder mill Rd.

From: autoplex3@hotmail.com
To: jmurphy@acton-ma.gov; sledoux@acton-ma.gov
Subject: RE: 60 Powder mill Rd.
Date: Mon, 26 Jan 2009 13:58:06 -0500

John: For the record when I applied for the Suzuki License It was done as Acton Suzuki Inc. This in itself handles my current use As to Fleet Lease. When a individuals name proceeds in front of a corporate name it loses most of its insurance protection with its carrier. So if you search the corporate and TOA database it will read Acton Suzuki Inc. Can you kindly make the change Thank', Leo also I am still waiting for the calculations that are addressed in your memo to me

From: jmurray@acton-ma.gov
To: autoplex3@hotmail.com
Date: Mon, 26 Jan 2009 12:56:31 -0500
Subject: FW: 60 Powder mill Rd.

From: John Murray
Sent: Friday, January 23, 2009 11:51 AM
To: 'autoplex3@aol.com'
Cc: Steve Ledoux
Subject: 60 Powder mill Rd.

Leo:

Concerning the proposed renewal of the Class I License for 60 Powder Mill Road, it is **my understanding** the Board **may** determine to include conditions in the license requiring compliance with all applicable laws and conditions in the governing permits and approvals for the property.
Such conditions may include but not be limited to the following:

The Class 1 display license for 60 Powder Mill Road issued to Leo Bertolami d/b/a Acton Suzuki, Inc. is renewed subject to the following conditions:

- a. The License shall remain in the name of Leo Bertolami d/b/a Acton Suzuki, Inc.
- b. To the extent permitted by law, any proposed change of the licensee or change of use of the licensed premises shall require prior approval of the Board.

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- c. The License shall expire on January 1, 2010.
- d. There shall be a maximum of ____ parking spaces on site (____ interior and ____ exterior), the layout, allocation and use of which shall be as specified in the Site Plan Special Permit No. 02/19/03-388, as amended on May 21, 2007.
- e. There shall be no new, used, "for rent," "for lease," fleet, demonstrator, employee-owned, customer-owned, or other vehicles associated with any business at 50-56 Powder Mill Road parked or stored on the site at 60 Powder Mill Road except during and limited to the time period during which any such vehicle is actually being serviced within the building at 60 Powder Mill Road.
- f. There shall be no new, used, "for rent," "for lease," fleet, demonstrator, employee-owned, customer-owned, or other vehicles associated with the business at 60 Powder Mill Road parked or stored at 50-56 Powder Mill Road.
- g. On or before February 28, 2009, the licensee shall provide to the Board registry-certified copies of the Site Plan Special Permit No. 02/19/03-388, as amended by amendments filed with the Town Clerk on September 26, 2006, July 17, 2007, and July 15, 2008, and on or before July 1, 2009, the licensee shall comply with all conditions set forth therein not previously satisfied or amended including specifically conditions 3.3.1, 3.3.2 and 3.3.3 in the July 15, 2008 amendment.
- h. The licensee shall comply with all applicable laws, bylaws, rules, regulations, permits and approvals governing the configuration and use of the property.

Note: We are double-checking the number of parking spaces and vehicles.

Note: The existing licensed business has reportedly ceased to operate.

Note: the full Board has not seen these suggested changes and a quorum of the Board will see these conditions for the first time Monday evening

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1/22/09
7**CONFIDENTIAL****Christine Joyce**

From: Steve Ledoux
Sent: Thursday, January 22, 2009 4:06 PM
To: Manager Department
Subject: FW: Acton/Autoplex: Draft of Possible BOS Conditions of License Renewal for Monday night

For packet

From: Stephen D. Anderson <SAnderson@AndersonKreiger.com>
Sent: Thursday, January 22, 2009 3:46 PM
To: Steve Ledoux <sledoux@acton-ma.gov>; Roland Bartl <rbartl@acton-ma.gov>; Scott Mutch <smutch@acton-ma.gov>
Cc: Nina Pickering Cook <npickeringcook@AndersonKreiger.com>
Subject: Acton/Autoplex: Draft of Possible BOS Conditions of License Renewal for Monday night

Gents:

With respect to the proposed renewal of the Class I License for 60 Powder Mill Road, the Board may determine to include conditions in the license requiring compliance with all applicable laws and conditions in the governing permits and approvals for the property. Such conditions may include the following:

The Class 1 display license for 60 Powder Mill Road issued to Leo Bertolami d/b/a Acton Suzuki, Inc. is renewed subject to the following conditions:

- a. The License shall remain in the name of Leo Bertolami d/b/a Acton Suzuki, Inc.
- b. To the extent permitted by law, any proposed change of the licensee or change of use of the licensed premises shall require prior approval of the Board.
- c. The License shall expire on January 1, 2010.
- d. There shall be a maximum of 43 parking spaces on site (5 interior and 38 exterior), the layout, allocation and use of which shall be as specified in the Site Plan Special Permit No. 02/19/03-388, as amended on May 21, 2007.
- e. There shall be no new, used, "for rent," "for lease," fleet, demonstrator, employee-owned, customer-owned, or other vehicles associated with any business at 50-56 Powder Mill Road parked or stored on the site at 60 Powder Mill Road except during and limited to the time period during which any such vehicle is actually being serviced within the building at 60 Powder Mill Road.
- f. There shall be no new, used, "for rent," "for lease," fleet, demonstrator, employee-owned, customer-owned, or other vehicles associated with the business at 60 Powder Mill Road parked or stored at 50-56 Powder Mill Road.
- g. On or before February 28, 2009, the licensee shall provide to the Board registry-certified copies of the Site Plan Special Permit No. 02/19/03-388, as amended by amendments filed with the Town Clerk on September 26, 2006, July 17, 2007, and July 15, 2008, and on or before July 1, 2009, the licensee shall comply with all conditions set forth therein not previously satisfied or amended including specifically conditions 3.3.1, 3.3.2 and 3.3.3 in the July 15, 2008 amendment.
- h. The licensee shall comply with all applicable laws, bylaws, rules, regulations, permits and approvals governing the configuration and use of the property.

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Note: Please double-check the number of parking spaces and vehicles as these figures were taken from a prior year's draft of conditions.

Note: The existing licensed business has reportedly ceased to operate. The Board may want to make it clear on the record at the license renewal proceeding that the Board invites the applicant to work with the Board to find a suitable use of the licensed premises (and a holistic site plan for the entire premises) moving forward.

Steve

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